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SEP - 1 2000
TC 3700 MAIL ROOM

RE: Office Action Summary, App. # 09/472,743
My arguments in response

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From: Robert Fous, 541-513-5694

I will attempt to describe what I consider fundamental differences that distinguish my invention from the prior art, as specified in the OAS.

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I will first address the rejection of my claims 1 and 2.

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The heart of my invention is the ergonomically aligned mitten closure system(MCS). The MCS increases the closing leverage of the glove and allows for the larger "web/pocket area" of the glove, where the ball can impact without damaging the hand.

My claims 1 and 2 were rejected through comparison to prior art as described in Latina '176 and '219.

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The distinguishing features of the claims of my invention compared to Latina '176 and '219 are as follows:

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The ergonomic angling and alignment of the mitten closure system, in relation to the outershell glove, and the resulting lines of force applied by the hand and thumb within the mitten to close both outer edges of the glove to trap the ball, is a major distinction from the prior art and is the essence of the new invention. Neither of Latina's 2 referenced patents '176 or '219 describes nor anticipates the two unique advantages this orientation allows.

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Although the OAS references a 90 degree angle between thumb and index finger described in Latina '176 and '219, I could not find it described as such in the patent specification or claims of those patents. Even if it were so described, this would be incidental and irrelevant to my claim, as amended.

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The new art that my invention describes, is in the combination of the plus or minus 40 degree alignment of the mitten closure system upon or within the upright finger portion of the glove, combined with the plus or minus 90 degree angle between the index finger, and thumb in its forward rotated position within the mitten. The mitten is a separate and distinct compartment for the hand that is mounted on the surface of the back portion of the outershell glove, or included between the front and back portion of the outershell glove.

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The designated alignment of the MCS also requires that the opening for the hand into the MCS be modified from Latina, to conform to the plus or minus 40 degree alignment of the MCS, to the upright finger portion of the outershell glove.

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